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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/768,316	01/25/2001	David Ross	0618-50	4161
22204	7590	07/07/2005	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			KOSTAK, VICTOR R	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/768,316

Applicant(s)

ROSS ET AL.

Examiner

Victor R. Kostak

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 4, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2614

1. The rejection based on 112 1st paragraph regarding claims 3-6 has been withdrawn in view of applicant's arguments.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tamura (Japanese reference # JP 04326265A).

The video display processor of Tamura (noting Figs. 1 and 2) includes a switching arrangement 2, 4₁, 4₂, 6₁ and 6₂ having plural inputs (as shown) that receive respective input signals of mixed (i.e. different) aspect ratios, namely 4:3 and 16:9 (noting A and B₁ in Fig. 2). Plural aspect ratio convertors 5₁ and 5₂ integrated within (i.e. directly physically related) the switching arrangement are configured to generate converted aspect ratios of the respectively applied input signals, wherein combining unit 7 outputs both the converted signals and the non-converted input signals (noting the bypass lines to switches 4₁ and 4₂) in selectable fashion, and which can generate a composite single image (e.g. C in Fig. 2).

Although Tamura does not specify the input signals as background and preset signals, it would have been obvious to one of ordinary skill in the art to consider or designate input signals as such when it is determined that the combined image would comprise a background and a foreground, the preset being an unchanged foreground component overlaid on the background

Art Unit: 2614

component image, and as Tamura suggests by composite output signal C (noting Fig. 2 again), thereby meeting claims 1 and 7.

As for claim 2, combiner 7 receives signals that could be native (unconverted) and converted to generate the composite output signal by virtue of the switching arrangement.

As for claim 3, Tamura specifies processing conversion involving 16:9 formatted video typically involves either pan/scan or letterbox modes (e.g. B₂ in Fig. 2).

Regarding claim 5, switching components 4₁ and 4₂ select between converted and non-converted signals, as shown.

As for claim 8, either of the plural input signals can be converted by respective convertor units 5₁ and 5₂.

Considering claim 9, switching component 2 is a crosspoint matrix, as shown.

4. Claims 1, 3-5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Penney (of record).

Penney also discloses a video switcher arrangement comprising elements 10 and 14, wherein plural video signals are applied and which have mixed (different) aspect ratios (NTSC and HDTV) as shown. Plural aspect ratio convertors 12 and 16 integrated within (in physical relationship with) the switching arrangement are configured to generate signals with converted aspect ratios based on the input video signals, wherein the system can output the converted signal or can pass the original signals for display.

Although Penney does not specify the input signals as background and preset signals, it would have been obvious to one of ordinary skill in the art to consider or designate input signals

Art Unit: 2614

as such when it is determined one of the images is that of a background (or that of an altered image), the other being "preset" or known beforehand (i.e. "started" as applicant describes) since no type or category of image is not excluded from such conversion processing, thereby meeting claim 1.

As for claim 3, HDTV formats normally are wider than standard 4:3 NTSC or PAL modes, such as well known 16:9 formatted, and typically involves either pan/scan or letterbox modes, which would have been obvious to include in the system of Penney thereby making possible the application of readily available video signals.

Regarding claim 4, the switching arrangement selects between up conversion as well as down conversion (noting again elements 12 and 16).

As for claim 5, switching component 14 controls selection between converted and non-converted signals downstream the conversion process (as shown).

As for claim 8, the aspect ratio can be applied to any two input video signals based on selection stage 14, as shown.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6. Claims 10 and 11 appear allowable over the prior art.

Art Unit: 2614

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor R. Kostak whose telephone number is (571) 272-7348.

The examiner can normally be reached on Monday - Friday from 6:30am-3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

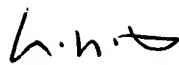
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 308-HELP.

Application/Control Number: 09/768,316

Page 6

Art Unit: 2614

A handwritten signature in black ink, appearing to read 'h.n.t' with a stylized flourish at the end.

Victor R. Kostak
Primary Examiner
Art Unit 2614

VRK